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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,571	07/31/1998	PAILY VARGHESE	COMP:0016	1413

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
3634	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. <b>09/127,571</b>	Applicant(s) <b>VARGHESE ET AL.</b>
	Examiner <b>Khoa Tran</b>	Art Unit <b>3634</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on Jan 18, 2002.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above, claim(s) 32 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 22-31 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26 and 31 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claims 26 and 31, there is no support in the original disclosure for the inner fixed left slide rail (48) being attached to the upper portion of the left support rail (46) and the inner fixed right slide rail (52) being attached to the lower portion of the right support rail (50) and vice versa. It should be noted that the disclosure only supports symmetrically identical mounting between the left and right sides and not alternatively differential mounting between the left and right sides. Applicants are required to cancel the claims.

Claims 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 23 and 28, it is unclear as to what is being set forth for claiming because each claim seeks to define the rail height based on a comparison to an unclaimed

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and undefined element of a computer component enclosure that is otherwise not part of the claimed invention. In other words, “reduced” with respect to what?. See line 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 23, 25, 27, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Good et al. ('256) Good et al. ('256) disclose a computer component mounting rack system comprising a left support rail (52) that is fixed between the front (14b) and back (16b) of the left vertical rack members; an inner fixed left slide rail (44) secured to the left support rail (52) and positioned substantially between the front and back of the left vertical rack members; an outer left slide rail (50) mutually engaging and sliding within the inner fixed left slide rail (44); a right support rail (52) that is fixed between the front(14a) and back (16a) of the right vertical members; an inner fixed right slide rail (44) secured to the right support rail (52) and positioned substantially between the front and back of the right vertical rack members; an outer right slide rail (50) mutually engaging and sliding within the inner fixed right slide rail (44); a portion of the left and right sides of a computer component enclosure (22) disposed above the outer left and right slide rails; and the height profile of the outer left and right slide rails are reduced to accommodate with

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the increased depth profile of the recesses on both extended sides (34, 36) of a computer component enclosure. See Figures 1-3.

With respect to claims 27, 28 and 30, Good et al.('256) disclose a computer component mounting rack system comprising a computer component enclosure (22); an outer left and right slide rails (48) fixed to the computer component enclosure below the respective extension sidewalls (34, 36) of the computer component enclosure; an inner fixed left and right slide rails (50) mutually engaging with the respective outer left and right slide rails (48) and dispose outwardly from the respective edges of the extension sidewalls (34, 36) of the computer component enclosure; a left and right support rails (52) fixed respectively to the inner fixed left and right slide rails (48); the sidewalls (not numbered, it is shown as between flange members (18)) of the front and back of respective left and right vertical rack members (14b, 16b, 14a, 16a) are horizontally aligned with the respective inner fixed slide rails that have the height of a width in the concealment, and wherein the height profile of the outer left and right slide rails are reduced to accommodate with the increased depth profile of the recesses on both extended sides (34, 36) of a computer component enclosure. See Figures 1-3.

Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Sekerich. Sekerich discloses a support rail (64) comprising an upper support rail portion (65) containing an upper set of two apertures for receiving fasteners to attach the upper support rail portion to an inner fixed slide rail (60); a lower support rail portion (66) containing a lower set of three apertures that are

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longitudinally symmetric with respect to the upper set of apertures for receiving fasteners to attach the lower support rail portion to an opposite inner fixed slide rail (27), see Figure 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 26, 29, and 31, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 22, 23, 25, 27, 28, and 30 above, and further in view of Fall et al. ('505). Figures 2 and 3 of Good et al. ('256) illustrate the inner fixed slide rails (44) directly attached to the provided row of apertures on the support rail (52). However, the support rails (52) of Good et al. ('256) are not twice the size or twice the height of the inner fixed rails (42) and the inner fixed left slide rail is not attached to the upper portion of the left support rail and the inner fixed right slide rail is not attached to the lower portion of the right support rail and vice versa. Fall et al. ('505) teach the provision of a support rail (10) that is twice the size or twice the height of the inner fixed rails (12), see Figure 1, as well as attaching the inner fixed left slide rail (52) to the upper portion of the left support rail (10) and the inner fixed right slide rail (55) to the lower portion of the right support rail (11), and vice versa. See Figure 3. The support rails have the upper and lower portions that have a set of rows of apertures which

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are spaced across longitudinally on the rail. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the support rail of Good et al. ('256) with the provision of the rail that is twice the size or twice the height of the inner fixed rail as taught by Fall et al. ('505) in order to provide a choice of mounting the inner fixed rail on either the upper portion or the lower portion on each side of the support rail so that to suitable with the desire arrangement of the computer component enclosure mounts thereon the rack. Further, the arrangement of the inner fixed slide rails being mounted on the rail support is a matter of design choice that produces no new matter or unexpected results and is merely a matter of preferences.

***Response to Arguments***

Applicants' arguments filed on January 18, 2001 have been fully considered but they are not deemed to be persuasive.

With respect to applicants' arguments that claims 23 and 28 are proper, it should be noted that the comparison to some undefined sizes of a computer component enclosure is insufficient to establish a patentable distinction of the height of a rail that is being claimed because the computer component enclosure comes in varies sizes and it is undetermined what is the height being set forth for claiming. Moreover, this results in a situation where a structure in one instance would be encompassed by the claim and, in another instance, the exact same structure would avoid the claim. As a result, the metes and bounds of the claims and the protection being sought by applicants cannot be properly ascertained.

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With respect to applicants' arguments that Good et al. fail to disclose the inner fixed slide rail secured substantially between the front and back of the vertical rack members, the examiner respectfully disagrees. Applicants' attention is directed to Figures 1 and 3 of Good et al., wherein the drawings clearly illustrate the inner fixed slide rails (44) secured substantially between the respective front and back of the left and right vertical rack members (14b, 16b and 14a, 16a). It appears that applicants interpretation of the claim language relies upon the specification for limitations that are otherwise not recited therein. This reliance is ineffective.

With respect to applicants' remarks to claim 27 that the examiner interprets both members (40 and 50) as the inner fixed slide rails and member 52 as the support rails while Good et al. disclose these elements 44 as the telescoping slide structure, member 50 as the longitudinally intermediate portion and member 52 as support bracket, it should be noted during examination before Patent Office, claims are to be given their broadest reasonable interpretation with all corresponding structures or equivalents thereof in order to reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. Thus, the examiner correlates the claimed structure of applicants with the disclosed structure of Good et al., i.e., the rail support of applicants (50) in Figure 4 is considered to be constituted by the rail support of Good et al.

With respect to applicants' remarks that members 44 and 50 of Good et al are a single element and they are not disclosed as two distinctly claimed elements. It should be noted that the law of anticipation requires that claims need only "reads on" the reference for anticipation to

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exist. Further, there is no requirement in claim 27 for the inner and outer slide rails to be a two separate elements.

**THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday and every other Friday from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicants are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission.

Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. \_\_\_\_\_ ) on \_\_\_\_\_  
(Date)

Type or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)

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Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran

March 15, 2001



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600